

## Participating Organizations

*Alliance for a Living Ocean*

American Littoral Society

Arthur Kill Coalition

Asbury Park Fishing Club

Bayberry Garden Club

Bayshore Saltwater Flyrodders

Belford Seafood Co-op

Belmar Fishing Club

Beneath The Sea

Bergen Save the Watershed Action Network

Berkeley Shores Homeowners Civic Association

Cape May Environmental Commission

Central Jersey Anglers

Citizens Conservation Council of Ocean County

Clean Air Campaign

Coalition Against Toxics

Coalition for Peace & Justice

Coastal Jersey Parrot Head Club

Coast Alliance

Communication Workers of America, Local 1034

Concerned Businesses of COA

Concerned Citizens of Bensonhurst

Concerned Citizens of COA

Concerned Citizens of Montauk

Dosil's Sea Roamers

Eastern Monmouth Chamber of Commerce

Environmental Response Network

Explorers Dive Club

Fisheries Defense Fund

Fishermen's Dock Cooperative

Fisher's Island Conservancy

Friends of Island Beach State Park

Friends of Liberty State Park

Friends of Long Island Sound

Friends of the Boardwalk

Garden Club of Englewood

Garden Club of Fair Haven

Garden Club of Long Beach Island

Garden Club of Morristown

Garden Club of Navesink

Garden Club of New Jersey

Garden Club of New Vernon

Garden Club of Oceanport

Garden Club of Princeton

Garden Club of Ridgewood

Garden Club of Rumson

Garden Club of Short Hills

Garden Club of Shrewsbury

Garden Club of Spring Lake

Garden Club of Washington Valley

Great Egg Harbor Watershed Association

Highlands Business Partnership

Highlands Chamber of Commerce

Hudson River Fishermen's Association/NJ

Interact Clubs of Rotary International

Jersey Coast Shark Anglers

Jersey Shore Audubon Society

Jersey Shore Captains Association

Jersey Shore Running Club

Junior League of Monmouth County

Junior League of Summit

Kiwanis Club of Manasquan

Kiwanis Club of Shadow Lake Village

Leonardo Party & Pleasure Boat Association

Leonardo Tax Payers Association

Main Street Wildwood

Marine Trades Association of NJ

Monmouth Conservation Foundation

Monmouth County Association of Realtors

Monmouth County Audubon Society

Monmouth County Friends of Clearwater

Montauk Fisherman's Emergency Fund

National Coalition for Marine Conservation

Natural Resources Protective Association

Navesink River Municipalities Committee

Newcomers Club of Monmouth County

NJ Beach Buggy Association

NJ Commercial Fishermen's Association

NJ Council of Dive Clubs

NJ Environmental Federation

NJ Environmental Lobby

NJ Marine Educators Association

NJ PIRG Citizen Lobby

NJ Sierra Club

NJ Windsurfing Association

Nottingham Hunting & Fishing Club

NYC Sea Gypsies

NY/NJ Baykeeper

NY Marine Educators Association

Ocean Advocates

Ocean Conservancy

Ocean County Citizens for Clean Water

Ocean Divas

Ocean Wreck Divers

Outreach/First Presbyterian Church of Rumson

Picatinny Saltwater Sportsmen Club

Raritan Riverkeeper

Riverside Drive Association

Rotary Club of Long Branch

Saint George's by the River Church, Rumson

Saltwater Anglers of Bergen County

Sandy Hook Bay Catamaran Club

Save Barnegat Bay

Save the Bay

SEAS Monmouth

Seaweeds Garden Club

Shark River Cleanup Coalition

Shark River Surf Anglers

Sheepshead Bay Fishing Fleet Association

Shore Adventure Club

Shore Surf Club

Sierra Club, Shore Chapter

Soroptimist Club of Cape May County

South Monmouth Board of Realtors

Staten Island Friends of Clearwater

Strathmore Fishing & Environmental Club

Surfers' Environmental Alliance

Surfrider Foundation, Jersey Shore Chapter

TACKLE

Terra Nova Garden Club

Unitarian Universalist Congregation of Mon. County

United Boatmen of NY/NJ

United Bowhunters of NJ

Volunteer Friends of Boaters

Waterspirit

Women's Club of Brick Township

Women's Club of Keyport

Women's Club of Long Branch

Women's Club of Merchantville

Zen Society

# Clean Ocean Action



*Ocean Advocacy  
Since 1984*

## ■ Main Office

18 Hartshorne Drive

P.O. Box 505, Sandy Hook

Highlands, NJ 07732-0505

Voice: 732-872-0111

Fax: 732-872-8041

SandyHook@CleanOceanAction.org

[www.CleanOceanAction.org](http://www.CleanOceanAction.org)

## □ Institute of Coastal Education

3419 Pacific Avenue

P.O. Box 1098

Wildwood, NJ 08260-7098

Voice: 609-729-9262

Fax: 609-729-1091

Wildwood@CleanOceanAction.org

February 28, 2006

## VIA WEB AND POST

Walter D. Cruickshank, Acting Director

Department of the Interior

Minerals Management Service

Attn: Rules Processing Team (RPT)

381 Elden Street, MS-4024

Herndon, VA 20170-4817

## RE: Comments on MMS' Advance Notice of Proposed Rulemaking (ANPR) for Alternate Energy- Related Uses on the Outer Continental Shelf, RIN 1010-AD30

Dear Mr. Cruickshank:

Clean Ocean Action writes to submit the following package on the above referenced notice, which includes: (1) This letter; (2) Joint comments by Sierra Club, et. al. on this Advance Notice (February 28, 2006); and (3) Joint comments submitted by American Littoral Society, et. al. on management of the Outer Continental Shelf to the Department of the Interior (November 9, 2005).

Clean Ocean Action is a broad-based coalition of conservation, environmental, fishing, boating, diving, student, surfing, women's, business, service, and community groups. Our goal is to improve the degraded water quality of the marine waters off the New Jersey/New York coast. It is Clean Ocean Action's (hereinafter "COA") mission to investigate, review, and question proposals that may effect ocean water quality in the NY/NJ Bight.<sup>1</sup> After many decades of abuse at the hands of polluters, these regional waters have successfully been defended to prevent ocean dumping and other adverse water quality impacts.

The ocean and coastal waters of New York and New Jersey are an essential and unique resource. They provide recreational opportunities, support a vital commercial fishing industry, are home to a rich wildlife community, and are the foundation of one of the states' largest tourism industries. The NY/NJ Bight is an extremely fragile and vulnerable resource. A legacy of pollution and failure of stewardship for the NY/NJ Bight led to beach closures, massive fish kills, and economic crashes in the late 1980s. In response to these negative impacts, New Jersey strengthened its laws and regulations, and has come to understand that questions about using ocean and coastal resources must be approached using the precautionary principle, with full knowledge of the impacts and consequences.

<sup>1</sup> Visit <http://www.cleanoceanaction.org> for more information.



To that end, MMS' regulations must be as protective as possible of the marine and coastal environment and limit the potential economic impacts of industrial activities or other pollution on the coastal environment and its economy.

Specifically, the regulatory framework should include a well-defined process that will allow MMS to work with other agencies, including states and any regional governance body. In defining this process, MMS must refine the scope by providing a detailed definition of "alternate-energy related uses." The current list of "alternate uses" (including offshore aquaculture, research, education, recreation, and support for offshore operations and facilities) is too vague.

The MMS regulations must account for:

- Disruption and destruction of the benthic (seafloor) community, which is often the base of the food chain;
- Impacts to fish, birds and migratory marine animals including habitat impairments and modification of ecological relationships;
- Noise and vibration impacts;
- Physical obstructions caused by the off-shore facilities;
- Pollution from construction, siting, operations, management, and decommissioning of the offshore facilities;
- Impacts to commercial and recreational fishing;
- Impacts to water recreational uses;
- Impacts to water based tourism uses;
- Impacts to local property values;
- Decommissioning, including plans, requirements, and financing for all facilities; and
- Corporate capability requirements and long-term responsibilities, including permit, leasing, easement, or grant requirements, which are available for public review.

Moreover, the framework must insure that the public, in general, and local communities, in particular, have an opportunity to provide input on each specific project. This oversight includes states rights under the Coastal Zone Management Act. By including representatives and residents of communities affected by offshore activities, MMS can assure that the immense cultural and socio-economic value of coastal and ocean resources are protected.

In addition, COA strongly urges MMS to postpone the issuance of any permit, grant, lease or easement until *after* the National Academy of Sciences (NAS) completes the study required by Section 1833 of the Energy Policy Act. Upon completion of the study, MMS should review the conclusions and recommendations of the NAS report, take further public comment, and make any necessary changes to the Section 388 regulations. Following this process is the prudent course of action, particularly since the NAS is to “recommend statutory and regulatory mechanisms for developing those resources.”<sup>2</sup>

Sincerely,



Cindy Zipf  
Executive Director



Nicole Simmons  
Water Policy Analysis

---

<sup>2</sup> Energy Policy Act, Section 1833, Renewable Energy on Federal Land

(a) National Academy of Sciences Study- Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall--

(1) study the potential of developing wind, solar, and ocean energy resources (including tidal, wave, and thermal energy) on Federal land available for those uses under current law and the outer Continental Shelf;

(2) assess any Federal law (including regulations) relating to the development of those resources that is in existence on the date of enactment of this Act; and

(3) recommend statutory and regulatory mechanisms for developing those resources.

(b) Submission to Congress- Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress the results of the study under subsection (a).